

Attorney's Docket No.: 11030-008004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yulun Wang et al. Art Unit : 2635
 Serial No. : 10/666,922 Examiner : E. Holloway III
 Filed : September 18, 2003
 Title : GENERAL PURPOSE DISTRIBUTED OPERATING ROOM CONTROL SYSTEM

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(c)

Pursuant to 37 CFR §3.73(b), Intuitive Surgical Inc., a Delaware corporation, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of:

A chain of title from the inventors of the patent application identified above, to the current assignee as shown below:

1. From Yulun Wang, Charles S. Jordan, Darrin R. Uecker, and Charles C. Woeters to Computer Motion Inc. The document was recorded in the Patent and Trademark Office at Reel 8563, Frame 0793.
2. From Computer Motion Inc. to Agility Capital LLC. The document was recorded in the Patent and Trademark Office at Reel 013735, Frame 0705.
3. From Agility Capital LLC to Computer Motion Inc. The document was recorded in the Patent and Trademark Office at Reel 014567, Frame 0702.
4. From Computer Motion Inc. to Intuitive Surgical, Inc. The document was recorded in the Patent and Trademark Office at Reel 015370, Frame 0799.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in the assignee identified above.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

June 10, 2005

Date of Transmission

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The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(c), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,642,836, whereby the patent granted on this application and U.S. Patent No. 6,642,836 will expire on the same day, provided that any patent granted on the above-identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,642,836.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,642,836 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,642,836.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors, or assigns.

Please charge the \$130 fee required by 37 CFR §1.20(d) to Deposit Account No. 06-1050.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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INTUITIVE SURGICAL INC.

Date: 06/06/05

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